United Nations CRC/C/SR.2256

Convention on the Rights of the Child

Distr.: General
23 January 2018

Original: English

Committee on the Rights of the Child
Seventy-seventh session

Summary record of the 2256th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 16 January 2018, at 3 p.m.

Chair: Ms. Winter

Contents

Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Guatemala

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.18-00734 (E) 220118 230118

1800734

Please recycle

The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Guatemala (CRC/C/GTM/5-6; CRC/C/GTM/Q/5-6 and CRC/C/GTM/Q/5-6/Add.1)

1. *At the invitation of the Chair, the delegation of Guatemala took places at the Committee table.*

2. **Mr. Borrayo Reyes** (Guatemala) said that, although considerable progress had been made in the protection of children's rights between 2010 and 2017, the Government recognized that important challenges remained. It was conscious that all administrative, legislative and judicial measures must take into account the fundamental principle of the best interests of the child. The Government sought to ensure that children were able to express their opinion on matters that affected them and to be heard in judicial and administrative proceedings. In terms of general implementation measures, highlights included the recent adoption of legislation on a genetic databank for forensic use, the establishment of the national sex offender registry, the passing of the School Meals Act, the amendment of the Civil Code to prohibit the marriage of persons under the age of 18, and the entry into force of the Migration Code, which provided for the comprehensive care of child migrants and unaccompanied minors.

3. Regarding policies and plans aimed at children, the Comprehensive Early Childhood Development Policy 2010–2020 continued to be implemented with the principal objective of ensuring that children from conception up to the age of 6 enjoyed basic rights through a system of comprehensive care that respected the country's cultural diversity. The 2017–2020 National Plan of Action for Children and Adolescents, prepared through a process of consultation in the country's 22 departments and with the participation of children and adolescents, had been presented to the three branches of government for signature. The National Commission on Children and Adolescents would officially present the National Policy on Children and Adolescents in February 2018.

4. Special protection measures could be implemented under the 2014–2034 National Policy for the Prevention of Violence and Crime, Citizen Security and Peaceful Coexistence, the 2015–2035 Democratic Policy on Crime and the National Strategy for the Prevention of Violence and Crime. Young people were a priority group under the National Policy on Decent Employment launched in 2017, one of the objectives of which was the prevention and eradication of the worst forms of child labour. The road map for 2016–2020 to make Guatemala free of the worst forms of child labour had been restructured to that end. Since January 2016, a protocol for children with a parent in detention had been implemented to improve the quality of life of children living in detention with their mothers or visiting a parent in detention. The Supreme Court had adopted a judicial policy for the special protection of children and adolescents 2015–2019 as well as regulations for juvenile courts.

5. The recently established technical committee on juvenile criminal justice had adopted a 2016–2019 inter-agency strategic plan for the juvenile criminal justice system and was currently working on a model plan for the treatment and support of adolescents in conflict with the law. The executive branch had increased the budget allocated to direct spending on children and adolescents by 29 per cent between 2012 and the end of 2017. The judiciary had increased its budget by 19.4 per cent between 2015 and 2017 to expand coverage of the juvenile courts and oversee measures for adolescents in conflict with the law. An inter-agency model for the reintegration and social rehabilitation of adolescents in conflict with the law had been introduced in 2017. A pilot plan for the PREVJUVE project on the prevention of youth violence had been launched in the department of Chimaltenango in early 2017 with a focus on entrepreneurship and employment skills for young people facing socio-educational measures or having served their sentence. As of 2018, a new model for the treatment and specialized prosecution of adolescents in conflict with criminal law would be implemented, under which deprivation of liberty was considered a last resort.

6. The Public Policy for Coexistence and the Elimination of Racism and Racial Discrimination had been formalized, the indigenous inter-agency coordinating committee

established and the national policy on indigenous peoples and interculturalism was in the process of being adopted. The majority of public sector institutions had specialized offices with a mandate to mainstream indigenous peoples' rights and gender. As a result, equality was ensured for indigenous children and adolescents in access to health, education and justice, particularly in rural areas.

7. Since 2016, the National Registry Office had been implementing a system for the early notification of births to ensure early birth registration. With regard to the promotion of civil rights and freedoms, children were taught about their constitutional rights through a variety of educational activities in schools. Various State institutions had adopted and implemented protocols, regulations and road maps in response to complaints of ill-treatment or neglect of children and adolescents. The courts ordered protection measures for children and adolescents who suffered ill-treatment or neglect or were at risk of doing so. The Ministry of Health had 42 clinics for the care of survivors of sexual violence and pregnant girls under the age of 14. The "Blue Heart" anti-trafficking campaign had been translated into 10 Mayan languages. A campaign to combat the exploitation of children through sex tourism was being implemented with the participation of the business sector, and the "Watch out for grooming online" campaign had been launched in 2017. There were also mechanisms to support victims of torture and cruel or inhuman treatment in their recovery and social reintegration.

8. The Government had established a legislative and institutional framework that included the Act on the Comprehensive Protection of Children and Adolescents and a range of policies, programmes and projects aimed at ensuring their well-being and development. In the area of health, the Government was implementing the National Strategy to Prevent Chronic Malnutrition and had managed to reduce the child mortality rate by 17 per cent between 2010 and 2015. When it came to children with disabilities, 4,592 student grants and 1,898 family subsidies had been allocated in 2017, learning support programmes were carried out in inclusive schools and there was also an occupational training centre.

9. The Ministry of Education's policies included improving the coverage and quality of, in particular, preschool and primary education, and efforts were being made to strengthen bilingual and intercultural education to meet the needs of the indigenous population. As of 2018, an alternative education programme would be implemented to provide education to persons who for socioeconomic reasons had left school at an early age. In 2016 and 2017, the decline in the school enrolment rate had been halted and the rate of primary school completion had increased from 60 per cent to 78 per cent.

10. The Government had begun the process of deinstitutionalization in 2015, starting with the signature of an agreement between the Social Welfare Secretariat, the Counsel General's Office and the Buckner Institute, applicable to children up to the age of 3. In 2016, an inter-agency cooperation agreement involving the National Adoption Council had reduced the number of institutionalized children from 1,524 to 600. The Government deeply regretted the loss of life at the Virgen de la Asunción shelter and had taken urgent measures to ensure that institutions involved in that area better coordinated their plans and programmes for vulnerable children to ensure that such a tragedy never recurred. To that end, the Counsel General's Office had set up a system to reduce the number of children having to stay in shelters through rapid investigation procedures and alternative protection measures. The Presidential Human Rights Commission had introduced the inter-agency humanitarian cluster with the support of the international community to provide immediate attention to the survivors and families of all the girls affected by that terrible incident.

11. **Ms. Aldoseri** (Coordinator, Country Task Force) said that, while significant progress had been made, the Committee would focus on what could be further achieved to ensure that Guatemalan children enjoyed all their rights under the Convention. As requested in the Committee's list of issues, she would welcome clarification on the coordination mechanisms of the Social Welfare Secretariat and the National Commission on Children and Adolescents with regional agencies responsible for implementing laws and public policies for the protection of children and adolescents, and whether the Commission had the necessary human and financial resources to carry out its mandate. She wished to know what progress had been made in harmonizing domestic laws with the Convention, what action had been taken in response to the Committee's earlier recommendation on the amendment

of the Act on the Comprehensive Protection of Children and Adolescents to effectively prohibit corporal punishment, and the time line for the adoption of the bill on the prohibition of corporal punishment presented in 2016. She would like to know more about the composition of the reformulated Public Policy for the Comprehensive Protection of Children and Adolescents and its adoption.

12. Welcoming the increase in the budget for direct spending on children and adolescents, she said the delegation might indicate what system had been developed to track the allocation of resources and assess their impact, how it was ensured that services rendered to children were not the first to suffer in times of austerity, and whether the Government had consulted the Committee's general comment No. 19 (2016) on public budgeting for the realization of children's rights. She wondered whether any progress had been made in developing a system for the collection of comprehensive, disaggregated data on children at the municipal level and, if so, whether it was regularly updated to support the design of programmes and policies to implement the Convention. The delegation should indicate whether there were national awareness-raising campaigns to disseminate the Convention among professionals and the general public, including children. It should also clarify how the Committee's concluding observations on the State party's third and fourth periodic reports had been shared with civil society, what role civil society organizations played in developing policies and assessing government services aimed at children, whether such organizations had been consulted in the preparation of the report under review, and how cooperation with NGOs working with children in situations of vulnerability might be described.

13. Concerning children's rights and business, she would like to know which agency was responsible for monitoring the impact of the mining and tourism sectors on children's rights, what kinds of violations of children's rights had been reported in the past, what compensation had been awarded to the children concerned and their families, and what penalties imposed on the individuals or companies responsible. The delegation might comment on the Government's response to the report by the Children's and Adolescents' Parliament that children in the Izabal area claimed that mining waste affected children's health.

14. **Ms. Sandberg** (Country Task Force) said that she would like to know what the Government intended to do to address the fact that, despite the existence of various policies and plans, certain groups, such as indigenous girls, continued to face multiple discrimination. There seemed to be a lack of political commitment and funding to remedy the situation. The delegation should comment on the situation of lesbian, gay, bisexual, transgender and intersex children in light of the initiative to protect the traditional family and what was being done in response to reports that children felt they were discriminated against for the very fact of being children. It should also explain how the principle of the best interests of the child was taken into account in humanitarian emergencies and enforced evictions, whether judges applied the principle in their decisions, and whether children were heard in civil cases, such as divorce proceedings. Was the Committee's general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration widely known?

15. When it came to the right to life, the fire at the government-run Virgen de la Asunción institution, in which some 40 girls had died, had highlighted the serious deficiencies in the system, including the lack of adequate resources and training of staff.

16. She wished to know what was being done to improve the treatment of minors and the conditions in juvenile detention facilities. In addition, she wondered what, in the State party's view, were the root causes of the high levels of violence, including sexual violence, to which its children were subjected and what could be done to prevent it.

17. She asked what progress had been made towards the adoption of the bill on the prohibition of corporal punishment and whether the bill, if enacted, would explicitly prohibit all forms of corporal punishment, including by repealing any provisions allowing the corporal punishment of children in exceptional circumstances. She would also welcome information about the efforts being made — awareness-raising, for example, or teacher training — to combat corporal punishment on the ground.

18. In addition, she wished to know what measures were being taken to prevent abuse and neglect and improve conditions in children's institutions, such as the Virgen de la Asunción shelter, what plans had been made to encourage children to report the sexual violence to which they were subjected and whether the law raising the age of marriage to 18 was enforced in all circumstances and by all the country's judges. Similarly, she wondered whether the State party had plans to improve access to recovery and reintegration services and whether children had access to a toll-free hotline open around the clock and providing counselling, including in indigenous languages, and to referral services.

19. **The Chair** (Country Task Force) said that she would welcome an indication of the impact of the commendable steps that had been taken to increase birth registration rates in the State party, especially in rural and indigenous areas. In the same connection, she asked how the State party intended to resolve the problem of unregistered births, in particular in remote areas in the northeast, where most women gave birth at home and the journey to town could be long and costly.

20. She wondered whether the laws governing the media in the State party protected children's privacy and whether any plans had been made to ensure that children in institutions, who rarely had any private space of their own, could enjoy their right to privacy. In addition, she asked whether any campaigns were being run to help children protect themselves from the dangers, including harassment, they encountered on the Internet. Lastly, she wished to know whether the Government enlisted the help of the media in its efforts to promote children's rights.

The meeting was suspended at 3.50 p.m. and resumed at 4.20 p.m.

21. **Mr. Borrayo Reyes** (Guatemala) said that it had been necessary to take legal action to remove the families who had settled illegally in the country's protected areas, but the Government had found alternatives for most of those evicted, not least by obtaining farms to which they could move. The move would enable them to lead decent lives.

22. Guatemala had sought international support for its efforts to protect its nature reserves, which had been designated for the benefit not only of Guatemalans but also of all humanity, and attend to the needs of the people who had been evicted from them. A humanitarian crisis committee, which the Government intended to establish very shortly, would study ways of responding to the different issues raised.

23. **Mr. Romero García** (Guatemala) said that the National Commission on Children and Adolescents, which brought together representatives of the Government and civil society, had a general assembly, an executive board and a secretariat. The secretariat's staff members were paid from the budget of the Social Welfare Secretariat of the Office of the President. The Commission was chaired alternately, for one year, by a representative of the Government and by a representative of civil society. He himself was the current Chair. The Vice-Chair was a representative of the non-governmental organization Save the Children, which had financed the development of a policy document on the comprehensive protection of children and adolescents.

24. The policy document was informed by the Sustainable Development Goals, the K'atun National Development Plan and principles enshrined in international human rights instruments. Starting in March 2017, children and adolescents in each of the country's 22 departments had participated in consultations on a proposed national action plan that took a comprehensive approach to improving their living conditions. The results of the consultations had been forwarded to the Commission, and, in a bid to secure the necessary financing, the proposed plan would be submitted to the Government in February 2018.

25. The Office of the Deputy Minister for the Prevention of Violence and Crime had been given its current name in 2013. It developed programmes designed to address the causes of violence in households, schools and local communities. The Safe Schools Programme, run in conjunction with the Ministry of Education, was one such programme. As part of a similar programme, police officers who had received the appropriate training mentored children and adolescents in a number of the country's schools.

26. The Commission also supported efforts in a number of the country's most violent neighbourhoods to create organizations of young people that created a group identity and

fostered a sense of belonging. Efforts to improve the collection and disaggregation of data on violence were well under way. They included the country's first survey of public perceptions of crime and victimization, which was currently being conducted. Another survey, which was to be carried out later in 2018, had been designed specifically to identify the vulnerabilities of the country's children and adolescents.

27. **Ms. Contreras Mejía** (Guatemala) said that the initial budget of the Social Welfare Secretariat for 2017 of 225 million quetzales had subsequently been increased to 228 million quetzales. The Secretariat's budget for 2018 had been set at 225 million quetzales; a request from the Secretariat for an additional 150 million quetzales had not been approved. The resources allocated to the Secretariat were not sufficient to enable it to increase the reach and effectiveness of its programmes. The Secretariat's staffing levels had increased considerably in 2017.

28. The Secretariat was responsible for four juvenile detention centres. Renovations to the centres, begun in 2017 and scheduled to continue in 2018, would help reduce overcrowding and improve the conditions of detention. Plans had also been made to remodel the facility that had housed the Virgen de la Asunción shelter. The remodelled facility would be used as another juvenile detention centre as four were not enough.

29. Efforts to prevent the ill-treatment of adolescents deprived of their liberty included the prohibition of corporal punishment and pepper spray in detention centres, the submission of complaints to the Public Prosecution Service and the administration of lie-detector tests to detention centre personnel. Detained young people could make free telephone calls to their families, and the authorities had made it easier for them to receive visits. The "Give Me a Chance" campaign had been launched with a view to preventing the stigmatization of adolescents who were released from juvenile detention facilities.

30. **Ms. Dávila Salazar** (Guatemala) said that there were several call centres that received emergency calls around the clock. One such centre, operated by the Public Prosecution Service in coordination with the National Civil Police, relied on Global Positioning System (GPS) receivers to locate callers.

31. A bill to combat the harassment of children on the Internet had been drafted, while the bill on the prohibition of corporal punishment was currently before the Congressional Commission on Human Rights. In 2016, a juvenile judge had ordered measures, including publicity campaigns, to combat discrimination against minors in conflict with the law. She had also ordered the Ministry of Education to develop a violence-prevention programme. The programme, which was to be offered in schools, was being developed with the support of the Office of the Human Rights Ombudsman and other governmental and non-governmental institutions.

32. Policies for the protection of children and adolescents in the justice system had been formulated with the assistance of civil society and the United Nations Children's Fund (UNICEF). Twenty of the country's departments had juvenile courts, which ensured that the bests interests of children and adolescents who were parties to judicial proceedings were a primary consideration.

33. **Ms. Sandberg** asked whether any of the helplines mentioned were specifically for children.

34. **Ms. Dávila Salazar** (Guatemala) said that there was no dedicated helpline for children. The centres to which the calls were directed provided immediate support to victims. There were plans to open another two centres, in areas with a significant indigenous population.

35. **Ms. Aldoseri** said that it was not clear whether the State party had a comprehensive data-collection system that covered all child-related issues.

36. Noting that the Social Welfare Secretariat had recruited new staff even though its budget had not been increased, she asked whether funding had been diverted from policies and programmes to pay for the salaries of new recruits.

37. **Mr. Borrayo Reyes** (Guatemala) said that the Government was planning to introduce a system to monitor the implementation of human rights recommendations, with

support from the Government of Paraguay. That system would involve data collection on child-related issues, including violence against children. It had not yet been implemented because it was very expensive.

38. **Ms. Guzmán Loyo** (Guatemala) said that, in 2016, a specific office had been established for the investigation and prosecution of offences against children. It was staffed by prosecutors, medical staff, psychologists and social workers who focused on the needs of victims and the prevention of secondary victimization. Furthermore, special units had been set up in hospitals to combat secondary victimization in sexual violence cases.

39. **The Chair** said that it would be useful if the delegation could provide statistics on the number of prosecutions, convictions and sentences served for offences against children.

40. **Ms. Guzmán Loyo** (Guatemala) said that, between 2015 and 2017, the Public Prosecution Service had dealt with over 130,000 child victims, most of whom were between 10 and 17 years old. More than 26,000 of those victims had received medical, psychological and social support. Around 250 of the victims were children with disabilities.

41. Over that period, there had been over 1,700 convictions for sexual offences against a child or adolescent, compared with around 500 acquittals. Over 900 child victims had been heard in Gesell chambers.

42. The fire at the Virgen de la Asunción shelter had been thoroughly investigated by multidisciplinary teams of specialists. Steps had been taken to ensure that the surviving victims received comprehensive support and to prevent secondary victimization. Charges had been brought against eight people, some of whom were senior officials or police officers. The case remained pending.

43. **Mr. Romero García** (Guatemala) said that data on issues such as violence could only be accessed through the Public Information Unit. However, the Government was developing an online tool that would enable members of the public to freely consult disaggregated data that had been collected by the police.

44. **Ms. Dávila Salazar** (Guatemala) said that information on cases, sentences and alternative measures was stored in a database. There was also a system for recording children's personal data in cases where protective measures had been taken.

45. Between January and July 2017, a total of 118 child marriages had been authorized. However, since the entry into force of new legislation prohibiting child marriage in August 2017, no such marriages had been approved.

46. **Mr. López Rivas** (Guatemala) said that a number of measures had been taken to promote intercultural bilingual education and to protect the rights and cultural identity of indigenous peoples. For example, school curricula had been amended to place greater emphasis on indigenous cultures, and teaching materials in Mayan languages had been developed. Agreements had also been signed with various entities to ensure access to education for the children of indigenous farm workers.

47. **Ms. Guzmán Loyo** (Guatemala) said that a special unit for the investigation of child pornography offences had been established in May 2016. So far, 19 complaints had been filed. There had been 10 convictions and 1 acquittal.

48. **Ms. Dávila Salazar** (Guatemala) said that children whose parents had filed for divorce were heard by the judge dealing with the case, to ensure that their best interests were taken into account in custody decisions.

49. **Ms. Sandberg** asked what steps were taken to ensure that such hearings were child-friendly, whether judges spoke directly to the children concerned and, if so, whether they received specific training on how to interact with children.

50. **Ms. Dávila Salazar** (Guatemala) said that, in such cases, the child was first assessed by a psychologist to determine whether he or she would be able to cope with a hearing. The hearing itself took place in a Gesell chamber, which was designed to make children feel comfortable. Such chambers were used in family law cases and femicide cases.

51. **Mr. Cardona Llorens** asked whether the child simply went unheard if the psychologist advised against the hearing.

52. **Ms. Dávila Salazar** (Guatemala) said that the psychologist's opinion was taken into account and that the hearing could be postponed if necessary.

53. **Mr. Romero García** (Guatemala) said that a national strategy to combat cybercrime, developed in collaboration with UNICEF, would be submitted to the National Security Council for approval on 25 January 2018. The aim of the strategy was to keep children safe online. A special unit had been set up within the national police to handle cybercrime complaints.

54. **Mr. Borrayo Reyes** (Guatemala) said that a number of measures had been taken to protect the rights of indigenous persons, who were considered a particularly vulnerable sector of the population. For example, 400 registry offices had been opened throughout the country to ensure that all births were properly registered, including in rural and indigenous areas.

55. **The Chair** said that the delegation had not yet responded to the questions raised about torture and inhumane treatment in prisons; criminal youth gangs (*maras*) and bullying in schools; protection of privacy, particularly in relation to the media; and the report written by children on child rights and the business sector.

56. **Ms. Aldoseri** said that she would like to hear more about efforts to disseminate the content of the Convention.

57. **Mr. Borrayo Reyes** (Guatemala) said that human rights education in schools covered the basic principles enshrined in the Convention. Those principles were also promoted through private initiatives and through training courses run by the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights for people who worked with children on a daily basis, such as teachers and police officers.

58. **Ms. Dávila Salazar** (Guatemala) said that the judiciary implemented programmes that brought justice closer to children and informed them about their rights. The Office of the Human Rights Advocate also provided human rights education and had held hundreds of events in schools in which a total of 348,733 persons had participated; it had also organized a festival entitled "Let's Express Our Rights". Meanwhile, 18 teachers had passed a diploma course accredited by the University of San Carlos, incorporating subjects such as children's rights, human trafficking and sexual and commercial exploitation.

59. **Mr. Borrayo Reyes** (Guatemala) said that the views of children and adolescents had been taken into account in the drafting of the report, with support provided by UNICEF.

60. **Mr. Canto Mejía** (Guatemala) said that the Convention was an important instrument that merited dissemination in the national education system. The Ministry of Education was implementing a programme on citizenship training, a culture of peace and human rights, which aimed to equip teachers with the tools to promote knowledge of children's rights in the classroom. It had also engaged in a joint initiative with the Constitutional Court and had organized an exhibition and a competition to promote human rights.

The meeting was suspended at 5.30 p.m. and resumed at 5.40 p.m.

61. **Mr. Pedernera Reyna**, observing the successes achieved by the Government in supporting and strengthening the family, notably through the "My Family Makes Progress" conditional cash transfer programme, said that he would like to know what human resources had been deployed for that purpose. He asked whether the Committee's previous recommendations on reintegrating children with their biological and extended families, strengthening community programmes and promoting foster families, while using residential care in institutions as a last resort, had been acted on during the review period and with what financial and human resources. He asked how soon the Government would adopt Bill No. 5285, which aimed to establish a comprehensive protection system for children and adolescents that would avoid unnecessary legal proceedings and provide specialized services for child victims. Information might also be provided on the number of children placed in institutions and the reasons for doing so, and on any State policies to

discharge children from institutional care. Furthermore, considering that emigration had had a profound impact on the family lives of Guatemalan children, he requested details on measures that the State had planned or taken to address the situation of children whose parents had emigrated and ensure that, where possible, they remained within their family unit.

62. The Committee was deeply troubled by the deaths of 41 girls in the fire at the Virgen de la Asunción shelter and wished to know whether a prompt, effective and impartial investigation into the tragedy had been carried out. He would be grateful for figures on the number of perpetrators identified and prosecuted, supervising officials dismissed from their posts and directors placed under investigation as a result of the incident. Did any implicated staff members continue to have contact with children and what steps had been taken to ensure that the event would never be repeated? According to information at the Committee's disposal, the home had operated with a capacity of 700 and the State had recognized 500 victims in addition to the 41 that had perished; but the status of the other 159 children and adolescents was unclear. Given that the girls had complained of sexual abuse and rape, which suggested the possibility of human trafficking, he wished to know what measures had been taken since the fire to investigate and address those complaints and whether any charges had been brought in that regard.

63. Concerning institutions in general, he was interested to know how the State viewed the 2016 recommendation of the Committee on the Rights of Persons with Disabilities to abolish the system whereby foreign volunteers were recruited to work in such facilities, which might be regarded as perpetuating institutionalization. What models were being developed on the basis of cooperation with international organizations such as UNICEF and did they take into account the Guidelines for the Alternative Care of Children? What psychosocial care, compensation and rehabilitation were made available to the Virgen de la Asunción victims, and how many had benefited from such measures? The Committee also wished to know how the State intended to prevent the revictimization of the victims during the legal proceedings that had been instituted to determine responsibility for the fire and ensure that victims were treated with due respect.

64. Although it welcomed the adoption of amended legislation on adoption and noted that the Public Prosecution Service investigated irregular adoption cases as part of its anti-trafficking mandate, the Committee would appreciate clarification of the scale of the problem relating to the abduction, disappearance or sale of infants and children. What steps, in addition to the adoption of the Alba-Keneth Act, had been taken to search for and identify missing children and adolescents? What checks were carried out by the National Adoption Council and were any other mechanisms involved in supervising adoptions? The delegation might also describe the sanctions applied to perpetrators and institutions involved in illegal adoptions.

65. Notwithstanding the coordinated efforts of the State and civil society organizations to address the situation of children with a family member in prison, he wondered how many children faced that problem and what policies were implemented to facilitate contact between children and imprisoned relatives. What steps were envisaged to prevent the institutionalization of such children in the event of their parents' detention? He would also welcome information on the number of children in street situations and on education, health and social security policies to discourage street living and policies to combat discrimination and violence against street children.

66. Welcoming the cooperation agreement that the Government had signed with the University of Granada and the University of North Texas to set up a database of missing children under the DNA-Prokids programme, and recalling the establishment of the Alba-Keneth Warning System, he asked whether the trafficking and sale of children remained a latent threat and how the State party planned to quantify and resolve the problem. What reparation and rehabilitation were available for victims?

67. In the sphere of juvenile justice, the increase in the number of juvenile judges in the judiciary, from 3 to 20, was a satisfactory development, as was the more frequent application of alternatives to custodial sentences; nevertheless, he wondered whether the judiciary planned to rectify the shortfall in the number of enforcement judges. Given the

concentration of juvenile justice services in Guatemala City, he was curious as to how the system might be decentralized so that young offenders would not be forced to serve sentences far from their families. What steps were being taken so that specialized judges could promptly hear adolescents awaiting trial, avoiding the need for transfers and prolonged periods of detention? He would also welcome information on measures to reduce overcrowding in youth detention centres and to separate juveniles in pretrial detention from those who had been convicted. The Committee was aware that access to education in detention centres had improved, but was concerned that structural problems caused adolescents to spend many hours locked in crowded cells without natural light or access to recreational activities. Was the Government planning to address that situation?

68. Regarding the Optional Protocol on the sale of children, child prostitution and child pornography, the Committee welcomed the ongoing institutional, policy and legislative initiatives to protect children and adolescents from sexual exploitation and trafficking, yet noted that the Public Prosecution Service had reported numerous cases of sexual violence, abuse and disappearances. Accordingly, he wished to know whether Guatemala had a national strategy to address the sale of children, child prostitution and child pornography, what resources were allocated to it, and whether the judiciary had efficient mechanisms to investigate such crimes and prosecute the perpetrators.

69. Lastly, on the Optional Protocol on the involvement of children in armed conflict, he noted that, while there was no armed conflict in Guatemala, concerns persisted about violence and the use of children by criminal youth gangs (*maras*) and traffickers. Therefore, he would like to know what was the scale of those problems, how they affected children and what programmes were in place to address them. The Committee would appreciate information on policies to recover children from organized crime groups and reintegrate them into society, and on whether the State had expressly prohibited the recruitment of children by classifying it as an offence.

70. **Ms. Aldoseri** said that she was interested to know whether the State party had a strategy to address discrimination against children with disabilities in terms of access to education and health services, which could lead to their institutionalization. In that regard, she asked how many children with disabilities were placed in institutions, what measures had been adopted to prevent institutionalization and what community-based alternatives and support services were available so that they could enjoy their rights. Regarding the incident at the Virgen de la Asunción shelter, she asked how many of the fatal victims had had disabilities. How many children with disabilities were enrolled in inclusive education and how many attended special schools?

71. In the area of health, she welcomed the adoption of the Food and Nutrition Security Programme and asked whether the State party had adopted the Act on the Protection, Promotion and Support of Breastfeeding. Information might also be provided on measures to improve low breastfeeding rates, to combat the high prevalence of stunting among children and to train health professionals. She would also appreciate details regarding any mechanisms that had been developed to monitor compliance with the International Code of Marketing of Breast-milk Substitutes, and regarding plans to increase access to baby-friendly facilities and reassess accredited facilities. She requested an explanation of the deaths of indigenous children in the municipality of Camotán, together with information on malnutrition in indigenous communities, particularly among children under the age of 5 years, and measures to combat it. Further details might be provided on programmes to raise adolescents' awareness of HIV/AIDS, sexually transmitted diseases and prevention methods.

72. Regretting that the State party had not yet met the Committee's recommendations to provide free education and ensure that children completed primary and secondary education, she asked what policies had been adopted to increase school enrolment and student retention, particularly in marginalized areas. What findings had emerged from studies conducted, if any, on the causes of school abandonment? Lastly, she asked whether the State had developed any cultural programmes for children and how it ensured access to safe, clean play spaces.

73. **Ms. Sandberg**, observing that Guatemala recorded about 70,000 teenage pregnancies each year and that the State had a legal responsibility to teach teenagers about sexual and reproductive rights, said that she wished to know whether adolescents were involved in developing such a curriculum, and how the Government intended to address limited or non-existent access to contraceptive methods in the country. In the light of reported suicides among children, she wondered whether psychosocial support services such as school nurses or psychologists were readily accessible and whether they might be expanded. Lastly, she asked how the Government might remedy schools' lack of understanding of environmental degradation and its impact on communities. Were children able to learn about disaster preparedness and participate in environmental policymaking, and had measures been taken to protect them from environmental health threats?

The meeting rose at 6.10 p.m.